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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/829,393	ITOI ET AL.	
	Examiner	Art Unit	
	Adetokunbo O. Torimiro	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/22/2006, 04/12/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities:

Claim 24, line 3: "a battle scene" should be -- said battle scene --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-13,15-24, 26-35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 2-13 and 37: the limitation, "a game apparatus" in line 1 lacks clarity as it is unclear if the apparatus refers to the same apparatus in claim 1 or a different apparatus. If the same apparatus is being referred to, it is suggested that "a game apparatus" should be -- the game apparatus --.

Re claims 15-24, line 1: the limitation, "a memory medium" lacks clarity, as it is unclear if the memory medium refers to the same memory medium in claim 14 or a different memory medium. If the same memory medium is being referred to, it is suggested that "a memory medium" should be -- the memory medium --.

Re claims 15,17,18,21, and 23, line 3: the limitation "said computer functions" lacks clear antecedent basis. There is insufficient antecedent basis for this limitation in the claim.

Re claims 16,19,20,23, and 24, line 5: the limitation "said computer functions" lacks clear antecedent basis. There is insufficient antecedent basis for this limitation in the claim.

Re claims 26-35: the limitation, "a game method" in line 1 lacks clarity as it is unclear if the method refers to the same method in claim 25 or a different method. If the same apparatus is being referred to, it is suggested that "a game method" should be -- the game method --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itou (US 6,439,998) in view of Nakatani et al (US 5,720,663).

Re claim 1: Itou teaches a game apparatus displaying a battle scene in which characters in

a game world fight with each other **(see fig.9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in said game world **(see col.6, lines 24-30)**; second storage locations for storing an operation timing pattern / *waiting time* indicative of player timings to be operated in association with each character **(see col.6, lines 34-53)**; an instruction image changing mechanism for displaying, when the battle scene is displayed, an instruction image and changing a displaying manner of said instruction image on the basis of the operation timing pattern associated with the character appearing in said battle scene stored in said second storage locations **(see col.5, lines 57-62 and col.6, lines 6-11)**; a changing value calculating mechanism for calculating a changing value for changing the parameter of the character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern **(see col.10, lines 44-51)**; and a parameter updating mechanism for updating the parameter / *executing time* of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image **(see col.6, lines 19-35)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al so as to provide a means for detecting the player input in the game and hence to carry out

the operation in response to the input of the player.

Re claim 2: Itou teaches the game apparatus, wherein said second storage locations store for each character the operation timing patterns having different difficulty levels of an operation for said player **(see col.6, lines 34-53)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of the operation timing pattern associated with any one of an offensive character and a defensive character **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to Examiner that the storage location is simply a storage, which stores any information regarding the game and characters regardless of difficulty level as long as there is an instruction to do so.**

Re claims 3 and 7: Itou teaches the game apparatus displaying a battle scene in which characters in a game world fight with each other **(see fig.9; col.1, lines 53-56)**.

However, Itou fails to teach a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended **(see fig.13B; col.9, lines 42-58)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al since the strength and skill of a game character is one of the characters attribute/parameter and also since it is only obvious to adjust and reduce the defensive character's strength as a result of damages received from the opposing character thereby making the game more realistic and hence increasing the player's enjoyment of the game.

Re claims 4 and 5: Itou teaches the game apparatus, wherein said instruction image changing mechanism changes the displaying manner by displaying said instruction image in one of a rhythmic manner, an enlarged/reduced manner, and a displayed/non-displayed manner on the basis of the operation timing pattern associated with the character appearing in said battle scene; wherein said instruction image changing mechanism changes at least one of a color and a shape of said instruction image at the timing that has to be operated by said player on the basis of

the operation timing pattern **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claim 6: Itou teaches the game apparatus, further comprising a music reproducing mechanism / *output unit* (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**, wherein said second storage locations store the music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of any one of the parts constituting the music data when said BGM is being played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claims 8 and 10: Itou teaches the game apparatus, wherein said changing value calculating mechanism calculates the changing value so as to significantly change the parameter of the character as a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern corresponding to said timing is higher; wherein said changing value calculating

mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines 44-51)**.

Re claim 9: Itou teaches the game apparatus, wherein said operation timing pattern is constructed so as to be successively operated at a plurality of timing patterns by said player **(see col.6, lines 49-53)**, and said changing value calculating mechanism calculates, every time that the operation by said player is detected by said operation detecting mechanism, the changing value depending upon a degree of coincidence between the operation timing by said player at that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 11: Itou teaches the game apparatus, wherein said battle scene is for fighting the characters with each other by alternately repeating an offensive turn and a defensive turn, further comprising a turn changing mechanism for allowing successive operations by said player until the degree of coincidence does not become lower than a predetermined value and making a change between said offensive turn and said defensive turn at a time that the degree of coincidence becomes lower than the predetermined value **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claim 12: Itou teaches the game apparatus, further comprising third storage locations

for storing the number of operable times / *waiting time* information indicative of the number of operable times by said player **(see col.6, lines 34-41)**; a number of times reducing mechanism for reducing the number of operable times depending upon an operation of said player; and an operation ending mechanism for ending the operation by said player when the number of operable times becomes 0 **(see figs. 10A-10D; col.12, lines 1-7)**.

Re claim 13: Itou teaches the game apparatus, further comprising a number of times increasing mechanism for increasing the number of operable times when the degree of coincidence between the operation timing of said player and the timing of the operation timing pattern is successively higher **(see col.10, lines 44-51)**.

Re claim 14: Itou teaches a memory medium encoded with a game program for execution by a computer of a game apparatus in order to display a battle scene in which characters in a game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in said game world **(see col.6, lines 24-30)**; second storage locations for storing an operation timing pattern / *waiting time* indicative of player timings to be operated in association with each character **(see col.6, lines 34-53)**; an instruction image changing mechanism for displaying, when the battle scene is displayed, an instruction image and changing a displaying manner of said instruction image on the basis of the operation timing pattern associated with the character appearing in said battle scene stored in said second storage locations **(see col.5, lines 57-62 and col.6, lines 6-11)**; a changing value calculating mechanism for calculating a changing value for changing the parameter of the

character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern **(see col.10, lines 44-51)**; and a parameter updating mechanism for updating the parameter / *executing time* of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image **(see col.6, lines 19-35)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the player.

Re claim 15: Itou teaches the memory medium with a game program wherein said computer functions such that said second storage locations store for each character the operation timing patterns having different difficulty levels of an operation for said player **(see col.6, lines 34-53)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of the operation timing pattern associated with any one of an offensive character and a defensive character **(see col.5, lines 57-62 and col.6, lines 6-11)**. **It is apparent to Examiner that the storage location is simply a storage, which stores any**

information regarding the game and characters regardless of difficulty level as long as there is an instruction to do so.

Re claims 16 and 20: Itou teaches the memory medium encoded with a game program for execution and displaying a battle scene in which characters in a game world fight with each other **(see fig.9; col.1, lines 53-56)**.

However, Itou fails to teach a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a game apparatus, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character

to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended **(see fig.13B; col.9, lines 42-58)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al since the strength and skill of a game character is one of the characters attribute/parameter and also since it is only obvious to adjust and reduce the defensive character's strength as a result of damages received from the opposing character thereby making the game more realistic and hence increasing the player's enjoyment of the game.

Re claims 17 and 18: Itou teaches the memory medium encoded with a game program, wherein said instruction image changing mechanism changes the displaying manner by displaying said instruction image in one of a rhythmic manner, an enlarged/reduced manner, and a displayed/non-displayed manner on the basis of the operation timing pattern associated with the character appearing in said battle scene; wherein said instruction image changing mechanism changes at least one of a color and a shape of said instruction image at the timing that has to be operated by said player on the basis of the operation timing pattern **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claim 19: Itou teaches the memory medium encoded with a game program wherein gaming apparatus, further comprising a music reproducing mechanism / *output unit* (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**,

wherein said second storage locations store the music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of any one of the parts constituting the music data when said BGM is being played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claims 21 and 23: Itou teaches the memory medium encoded with a game program, wherein said changing value calculating mechanism calculates the changing value so as to significantly change the parameter of the character as a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern corresponding to said timing is higher; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines 44-51)**.

Re claim 22: Itou teaches the memory medium encoded with a game program, wherein said operation timing pattern is constructed so as to be successively operated at a plurality of

timing patterns by said player **(see col.6, lines 49-53)**, and said changing value calculating mechanism calculates, every time that the operation by said player is detected by said operation detecting mechanism, the changing value depending upon a degree of coincidence between the operation timing by said player at that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 24: Itou teaches the memory medium encoded with a game program, wherein said battle scene is for fighting the characters with each other by alternately repeating an offensive turn and a defensive turn, further comprising a turn changing mechanism for allowing successive operations by said player until the degree of coincidence does not become lower than a predetermined value and making a change between said offensive turn and said defensive turn at a time that the degree of coincidence becomes lower than the predetermined value **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claim 25: Itou teaches a game method of a game apparatus which displays a battle scene in which characters in a game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in said game world **(see col.6, lines 24-30)**; second storage locations for storing an operation timing pattern / *waiting time* indicative of player timings to be operated in association with each character **(see col.6, lines 34-53)**; an instruction image changing mechanism for displaying, when the battle scene is displayed, an instruction image and changing a displaying manner of said instruction image on the basis of the operation timing pattern associated with the character

appearing in said battle scene stored in said second storage locations **(see col.5, lines 57-62 and col.6, lines 6-11)**; a changing value calculating mechanism for calculating a changing value for changing the parameter of the character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern **(see col.10, lines 44-51)**; and a parameter updating mechanism for updating the parameter / *executing time* of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input in response to a change of said instruction image **(see col.6, lines 19-35)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the player.

Re claim 26: Itou teaches the game method wherein said computer functions such that said second storage locations store for each character the operation timing patterns having different difficulty levels of an operation for said player **(see col.6, lines 34-53)**, and said steps changes the displaying manner of said instruction image on the basis of the operation timing pattern associated with any one of an offensive character and a defensive character **(see col.5,**

lines 57-62 and col.6, lines 6-11). It is apparent to Examiner that the storage location is simply a storage, which stores any information regarding the game and characters regardless of difficulty level as long as there is an instruction to do so.

Re claims 27 and 31: Itou teaches the game method for executing and displaying a battle scene in which characters in a game world fight with each other **(see fig.9; col.1, lines 53-56)**.

However, Itou fails to teach a gaming method, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended.

Nakatani et al teaches a gaming method, wherein the parameter includes a physical strength parameter on which a battle continuing ability of the character depends, and said parameter updating mechanism reduces the physical strength parameter of a defensive character such that the defensive character appearing in said battle scene is damaged on the basis of the changing value calculated by said changing value calculating mechanism; wherein the parameter includes an ability parameter on which a superiority of a fighting capability of the character depends, and said parameter updating mechanism updates the ability parameter of the character

to be operated by said player on the basis of the changing value calculated by said changing value calculating mechanism when the battle is ended **(see fig.13B; col.9, lines 42-58)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al since the strength and skill of a game character is one of the characters attribute/parameter and also since it is only obvious to adjust and reduce the defensive character's strength as a result of damages received from the opposing character thereby making the game more realistic and hence increasing the player's enjoyment of the game.

Re claims 28 and 29: Itou teaches the gaming method, wherein said instruction image changing mechanism changes the displaying manner by displaying said instruction image in one of a rhythmic manner, an enlarged/reduced manner, and a displayed/non-displayed manner on the basis of the operation timing pattern associated with the character appearing in said battle scene; wherein said instruction image changing mechanism changes at least one of a color and a shape of said instruction image at the timing that has to be operated by said player on the basis of the operation timing pattern **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene**.

Re claim 30: Itou teaches the gaming method of gaming apparatus, further comprising a music reproducing mechanism / *output unit* (6) for reproducing music data for playing a BGM in said battle scene **(see fig.1; col.6, lines 1-5)**, wherein said second storage locations store the

music data which is utilized as the operation timing pattern and is constituted of a plurality of kinds of parts each being a reproduction object by said music reproducing mechanism **(see col.6, lines 24-30)**, and said instruction image changing mechanism changes the displaying manner of said instruction image on the basis of any one of the parts constituting the music data when said BGM is being played by said music reproducing mechanism **(see col.5, lines 57-62 and col.6, lines 6-11). It is apparent to the Examiner that the present graphic processor makes it possible for any variety of display to be processed and displayed based on whatever is programmed and instructed into the game and hence battle scene.**

Re claims 32 and 34: Itou teaches the gaming method, wherein said changing value calculating mechanism calculates the changing value so as to significantly change the parameter of the character as a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern corresponding to said timing is higher; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the operation timing pattern is successively high **(see col.10, lines 44-51)**.

Re claim 33: Itou teaches the gaming method, wherein said operation timing pattern is constructed so as to be successively operated at a plurality of timing patterns by said player **(see col.6, lines 49-53)**, and said changing value calculating mechanism calculates, every time that

the operation by said player is detected by said operation detecting mechanism, the changing value depending upon a degree of coincidence between the operation timing by said player at that time and the timing of the operation timing pattern corresponding to said time **(see col.10, lines 44-51)**.

Re claim 35: Itou teaches the gaming method, wherein said battle scene is for fighting the characters with each other by alternately repeating an offensive turn and a defensive turn, further comprising a turn changing mechanism for allowing successive operations by said player until the degree of coincidence does not become lower than a predetermined value and making a change between said offensive turn and said defensive turn at a time that the degree of coincidence becomes lower than the predetermined value **(see fig.3; col. 2, lines 30-45 and col.6, lines 58-67)**.

Re claims 36 and 37: Itou teaches a game apparatus displaying a battle scene in which characters in a game world fight with each other **(see figs.1 and 9; col.1, lines 53-56)**, comprising: first storage locations for storing a parameter for each character appearing in said game world **(see col.6, lines 24-30)**; second storage locations for storing in association with said each character background music that renders an operation timing pattern presenting to a player timing patterns to be operated in a rhythm pattern **(see col.6, lines 24-30)**; a BGM reproducing mechanism for reproducing background music associated with the character appearing in said battle scene stored in said second storage locations **(see fig.1; col.6, lines 1-5)**; a changing value calculating mechanism for calculating a changing value for changing the parameter of the

character depending upon a degree of coincidence between the operation timing of said player at a time of being detected by said operation detecting mechanism and the timing of the operation timing pattern; wherein said changing value calculating mechanism calculates the changing value so as to be gradually increased when the degree of coincidence between the operation timing of said player detected by said operation detecting mechanism and the timing of the rhythm pattern is successively high **(see col.10, lines 44-51)**; and a parameter updating mechanism for updating the parameter / *executing time* of the character appearing in said battle scene on the basis of the changing value calculated by said changing value calculating mechanism **(see abstract, lines 10-15)**.

However, Itou does not explicitly teach an operation detecting mechanism for detecting an operation by said player input after the background music starts to be reproduced.

Nakatani et al teaches an operation detecting mechanism for detecting an operation by said player input after the background music starts to be reproduced **(see col.6, lines 19-35)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings and inventions of Itou and Nakatani et al so as to provide a means for detecting the player input in the game and hence to carry out the operation in response to the input of the player.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahashi et al discloses a method and apparatus for controlling moving body and facilities; Aoyama et al discloses a video game machine, action scoring method in video game,

and recording medium on which action scoring program is recorded; Ishihara et al discloses a game device and screen display method thereof; Komoto discloses a game apparatus and method for controlling timing for executive action by game character; Okamoto et al discloses a game machine and information storage medium.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER